

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36641 of 2023

Arising Out of PS. Case No.-113 Year-1989 Thana- GARDANIBAG District- Patna

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Prem Prakash Verma @ Vishwamitra Bharti, S/O Late Kailash Bihari Sinha,
Present Address-R/O -Flat no. 07, Sri Nikul Ashram Bihar, Ashiyana Nagar,
Patna, P.S.-Shahtri Nagar, District-Patna. Permanent Address- R/O
Virandavan, P.S. Mathura, District-Mathura (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The matter has been taken up for out of turn hearing
on mentioning being made on behalf of the petitioner that the
petitioner is an old age person and suffering from various ailment.

3. A supplementary affidavit has been filed on behalf of
the petitioner annexing the entire order sheet of the case as well as
medical report of the petitioner. The said affidavit is taken on record.

4. In the present case, the petitioner seeks bail in
connection with Gardanibagh P.S. Case No. 113 of 1989 registered
for the alleged offences under Sections 302, 120B/34 of the Indian
Penal Code and Section 27 of the Arms Act.

5. As per prosecution case, the petitioner allegedly
conspired with other co-accused persons and murdered one Dahu
Chaudhary with the help of contract killers.



6. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitione was not named in the FIR but during investigation his name surfaced as one of the accused persons. Charge-sheet has been submitted. Cognizance has been taken in this case on 16.10.1995 under Sections 302/34 of I.P.C. and Section 27 of the Arms Act. But the matter is still pending at the stage of commitment and trial is yet to be started in this case. The petitioner is an old man aged about 89 years and has been suffering from various ailments and has undergone by-pass surgery. Learned counsel further submits that it appears from the rejection order that despite opportunity, case diary was not produced and it further appears that the case diary might not be available on record. The petitioner is in custody since 17.10.2017.

7. Learned APP opposes the prayer for bail submitting that name of the petitioner has come up after investigation as one of the conspirators who committed murder with the help of contract killers. Learned APP further submits that it is an old case of the year 1989 it appears case diary might not be available.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the petitioner along with his period of custody and also considering lack of distinct material to connect the petitioner with the offence as alleged, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna/concerned court in connection with Gardanibagh P.S. Case No. 113 of 1989, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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